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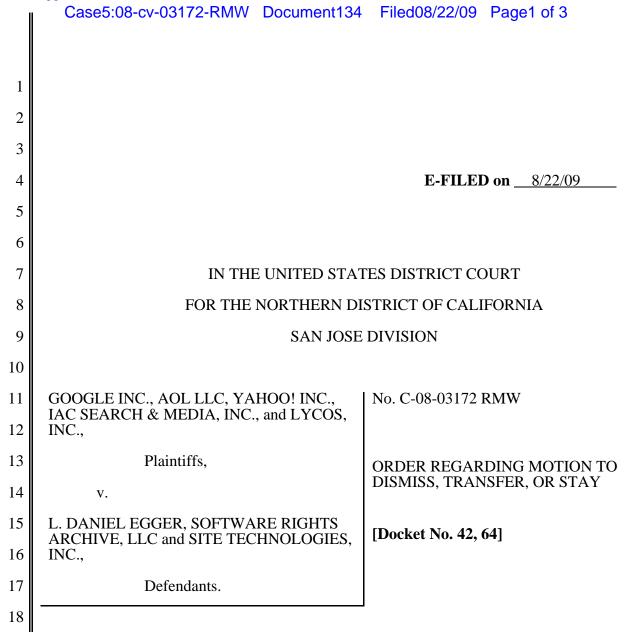
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The court grants defendants' motion to stay pending resolution of the case in the Eastern District of Texas or a decision by that court to transfer the action to the Northern District of California. By this order the court expresses no opinion on whether the motion to transfer tho this district pending in the Eastern District of Texas should be granted or denied.

The motion to dismiss plaintiff L. Daniel Egger ("Egger") is granted on the basis of his statement that he does not now and will not in the future assert any ownership rights in the patents-at-issue. *See* Decl. of Lee Kaplan ISO Defs.' Reply Ex. 10 (Declaration of L. Daniel Egger) ("I owned the patents directly from September 1998 until February 2005, when I assigned them to Software Rights Archive, Inc. . . ."); *Id.* at Ex. 12 (Egger's Assignment Agreement) ("[Egger] hereby sells, assigns, and transfers to [Software Rights Archive, Inc.] his entire right, title, and interest in

ORDER REGARDING MOTION TO DISMISS, TRANSFER, OR STAY —No. C-08-03172 RMW JAS

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For the Northern District of California **United States District Court** 

| and to the Patents "). This dismissal is conditioned on Egger filing a signed stipulation to that    |
|--|
| effect. The court recognizes, and Egger's stipulation may provide, that Egger has an interest in the |
| outcome of the litigation or may be entitled to some payment by Software Rights Archive for his      |
| purported past sale or assignment of any ownership interests in the patents.                         |

The motion to dismiss Site Technologies is denied. The motion to strike is denied.

DATED: 8/21/09

United States District Judge

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| 22          | <b>Dated:</b> 8/22/09  | JAS Chambers of Judge Whyte  |  |
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